

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:14-cv-00480-FDW-DSC

UNITED CANVAS & SLING, INC.,)

Plaintiff,)

vs.)

HARTFORD INSURANCE COMPANY)
OF THE MIDWEST and SWIMMER)
INSURANCE AGENCY, INC.,)

Defendants.)

ORDER AND NOTICE OF HEARING

THIS MATTER is before the Court on several motions. For the reasons stated in open court following a hearing, the Court hereby DENIES Defendant Swimmer Insurance Agency, Inc.'s ("Defendant Swimmer's") Motion to Dismiss (Doc. No. 22) and Motion for Summary Judgment (Doc. No. 24). The Court GRANTS Defendant Swimmer's Motion to Strike the Response Memorandum of Co-Defendant Hartford (Doc. No. 45). The Court DENIES without prejudice Defendant Swimmer's Motion to Strike Portions of Affidavit of Schwartz Filed by Plaintiff (Doc. No. 47). Finally, with respect to Defendant Hartford Insurance Company of the Midwest's ("Defendant Hartford's") Motion for Summary Judgment (Doc. No. 33), the Court GRANTS this motion in part and DENIES it in part. The Court DENIES the motion with respect to Plaintiff's claim for breach of contract. The Court GRANTS the motion with respect to Plaintiff's claim for declaratory judgment. The Court DEFERS judgment on Defendant Hartford's motion for summary judgment against Plaintiff's claim for interest and attorneys' fees.

TAKE NOTICE that a pretrial conference in this matter will take place on Monday, May 4, 2015 at 11a.m. in Courtroom #1-1 of the Charles R. Jonas Building in Charlotte, North Carolina.

The parties' jointly prepared pretrial submissions shall be filed no later than Monday, April 27, 2015.

IT IS SO ORDERED.

Signed: April 9, 2015

A handwritten signature in black ink, reading "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

